

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:21-cv-339-FDW-DCK**

**THIS MATTER** is before the Court on its July 19, 2021, Order, (Doc. No. 3).

Plaintiff, proceeding *pro se*, filed this action on July 12, 2021. (Doc. No. 1). Along with the Complaint, the Plaintiff filed an Application to Proceed in District Court without Prepaying Fees or Costs that was inconsistent and confusing, and from which the Court was unable to conclude that Plaintiff should be granted leave to proceed *in forma pauperis*. (Doc. No. 2). On July 19, 2021, the Court entered an Order denying the Application without prejudice for Plaintiff to either pay the filing fee or file an amended Application within 14 days. (Doc. No. 3). Plaintiff was cautioned that the failure to timely comply with the Order would result in the dismissal of this action without prejudice and without further notice. (*Id.* at 2-3).

Plaintiff has not paid the filing fee or filed an amended Application and the time to do so has now expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED that:**

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's July 19, 2021 Order.
2. The Clerk of this Court is directed to close this case.

Signed: August 13, 2021

  
Frank D. Whitney  
United States District Judge